

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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BENFIELD, INC.,  
a Delaware corporation; and  
BENFIELD HOLDINGS, INC.,  
a Delaware corporation;

Plaintiffs,

v.

**ORDER**

Civil File No. 04-3513 (MJD/SRN)

DAVID MOLINE, an individual;  
and MARK HAGEN, an individual;

Defendants and Third Party Plaintiffs,

and

JOHN B. COLLINS ASSOCIATES, INC.,

Defendant,

v.

RODMAN FOX,

Third Party Defendant.

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Robin Caneff Gipson, Gregory James Stenmoe and Timothy Robert Thornton, Briggs & Morgan, and Wendy J. Wildung, Faegre & Benson, Counsel for Plaintiffs Benfield, Inc., and Benfield Holdings, Inc., and Third Party Defendant Rodman Fox.

Ansis V. Viksnins and Reuben A. Mjaanes, Lindquist & Vennum, PLLP, Counsel for Defendants and Third Party Plaintiffs David Moline and Mark Hagen and Defendant John B. Collins Associates, Inc.

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This matter is before the Court on Plaintiffs' Motion to Strike Defendants' Unclean Hands Defense and for Summary Judgment on Defendants' Remaining Counterclaims [Docket No. 122]; Defendants' Motion for Summary Judgment [Docket No. 163]; and Plaintiffs' Motion for Partial Summary Judgment on Issue of Conversion of Benfield's Brokerage Commissions [Docket No. 192]. Oral argument is scheduled for today at 9:00 a.m. In order to promote judicial economy,

**IT IS HEREBY ORDERED** that

The Court will only hear oral argument on the following issues:  
Defendants' motion for summary judgment on claims for breach of contract and breach of fiduciary duty based on use of confidential information and failure to give thirty days' notice;

Defendants' motion for summary judgment on the usurpation of corporate opportunity claim;

Parties' cross-motions for summary judgment on the conversion claim;

Plaintiffs' motion for summary judgment on the defamation claim based on the integrity remark.

Dated: November 30, 2005

s/ Michael J. Davis

Judge Michael J. Davis  
United States District Court